



AUSTIN CITY COUNCIL  
MINUTES

REGULAR MEETING  
THURSDAY, AUGUST 18 2011

**Invocation:** Pastor DeChard IHM Freeman, Abundant Life Community Baptist Church

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed. The City Council of Austin, Texas, convened in a regular meeting on Thursday, August 18, 2011 in the Council Chambers of City Hall, 301 West Second Street, Austin, Texas.

Mayor Leffingwell called the Council Meeting to order at 10:12 a.m.

CONSENT AGENDA

The following items were acted on by one motion.

1. Approve the minutes of the Austin City Council work session of August 2, 2011, regular meeting of August 4, 2011, and special called meeting of August 10, 2011.  
**The minutes from the Council work session of August 2, 2011, regular meeting of August 4, 2011, and special called meeting of August 10, 2011 were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
2. Authorize negotiation of a power purchase agreement with MAP Royalty Inc., Palo Alto, CA, for a term of up to twenty-five years for up to 91 megawatts of wind-generated electricity in an estimated amount of \$13,000,000 per year, for an estimated total contract amount of \$325,000,000.  
**This item was postponed on consent to August 25, 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
3. Authorize negotiation of a power purchase agreement with Duke Energy Generation Services, Houston, TX, for a term of up to twenty-five years for up to 200 megawatts of wind-generated electricity in an estimated amount of \$32,800,000 per year, for an estimated total contract amount of \$820,000,000.  
**This item was postponed on consent to August 25, 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
4. Authorize the negotiation and execution of two Interlocal Agreements between the City and the Capital Area Council of Governments (CAPCOG) related to the City's participation in the enhanced 9-1-1 emergency telephone system as follows: CAPCOG reimbursement in an amount not less than \$330,414 to the City for maintenance of the 9-1-1 database on a county-wide basis for a 12-month term with one renewal option for 12-months in an amount not less than \$330,414, for a total contract amount not less than \$660,828; and CAPCOG reimbursement in an amount not less than \$7,000 to the City to maintain the CAPCOG Public Service Answering Points, upgrade equipment, and train personnel to participate in

the enhanced 9-1-1 emergency telephone system in the ten-county CAPCOG region, with one 12-month renewal option in an amount not less than \$7,000, for a total contract amount not less than \$14,000.

**The motion authorizing the negotiation and execution of two interlocal agreements between the City and the Capital Area Council of Governments (CAPCOG) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

5. Authorize execution of a construction contract with AUSTIN TRAFFIC SIGNAL CONSTRUCTION COMPANY INC., Pflugerville, TX for the Annual Traffic Signal Installation/Modification 2011 for a total award amount not to exceed \$1,238,108.41.  
**The motion authorizing the execution of a construction contract with Austin Traffic Signal Construction Company Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
6. Authorize execution of a construction contract with DNT CONSTRUCTION, Round Rock, TX for Pleasant Valley Road Extension from St. Elmo to Button Bend in the amount of \$3,654,869.66 plus a \$182,743.48 contingency, for a total contract amount not to exceed \$3,837,613.14.  
**The motion authorizing the execution of a construction contract with DNT Construction was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
7. Authorize execution of a construction contract with AARON CONCRETE CONTRACTORS, LP, Austin, TX for Reicher Ranch Road Repair in the amount of \$196,238 plus a \$9,811.90 contingency, for a total contract amount not to exceed \$206,049.90.  
**The motion authorizing the execution of a construction contract with Aaron Concrete Contractors, LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
8. Authorize execution of a construction contract with GARNEY COMPANIES, INC., Kansas City, Missouri for the Wildhorse Ranch Northwest Wastewater Project, in the amount of \$1,264,053.50 plus a \$63,202.68 contingency, for a total contract amount not to exceed \$1,327,256.18.  
**The motion authorizing the execution of a construction contract with Garney Companies, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
9. Authorize execution of change order #3 to the construction contract with TEXAS STERLING CONSTRUCTION CO., INC., San Antonio, TX, for the Group 3 Northeast Residential Street Reconstruction and Utility Adjustments Project, an ACCELERATE AUSTIN PROJECT, in the amount of \$219,366, for a total contract amount not to exceed \$3,520,546.92.  
**The motion authorizing the execution of change order number three to the construction contract with Texas Sterling Construction Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
10. Authorize execution of a construction contract with BRH-GARVER CONSTRUCTION, L.P., Houston, TX for the Main to Montopolis Reclaimed Water Main in the amount of \$4,993,324.20 plus a \$349,532.69 contingency, for a total contract amount not to exceed \$5,342,856.89.  
**The motion authorizing the execution of a construction contract with BRH-Garver Construction, LP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 11 was pulled for discussion.**

12. Approve an ordinance authorizing acceptance of \$1,000 in grant funds from the Safe Kids USA Never Leave Your Child Alone in a Car Texas Task Force, and amending the Fiscal Year 2010-2011 Emergency

Medical Services Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$1,000 for supply costs related to the Emergency Medical Service's Hyperthermia Awareness Program.

**Ordinance No. 20110818-012 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

13. Approve an ordinance authorizing acceptance of \$240,000 in American Recovery and Reinvestment Act grant funds from the United States Department of Energy administered through the Railroad Commission of Texas; amending the Fiscal Year 2010-2011 Fleet Services Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate these funds; and amending the Fiscal Year 2010-2011 Fleet Services Department Capital Budget (Ordinance 20100913-003) to transfer in and appropriate \$240,000 from the Fiscal Year 2010-2011 Fleet Services Department Operating Budget Special Revenue Fund to convert sixty vehicles to propane use.

**Ordinance No. 20110818-013 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

14. Authorize negotiation and execution of Amendment No. 1 to the Agreement for Social Services with THE SALVATION ARMY, INC., to increase funding to provide for replacement of the air conditioning system, telephone system and plumbing repairs at the Women and Children's Shelter, in an amount not to exceed \$263,000 for a total contract amount not to exceed \$4,901,466.

**This item was postponed on consent to August 25, 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

15. Authorize negotiation and execution of Amendment No. 2 to the social services contract between the City of Austin and Caritas of Austin for the Best Single Source Program to provide funding for rent, utility assistance, and training to prevent homelessness in an amount not to exceed \$131,000 for a total contract amount not to exceed \$993,909.

**This item was postponed on consent to August 25, 2011 on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Items 16 and 17 were pulled for discussion.**

**Item 18 was pulled to be heard after the presentation.**

**Item 19 was pulled for discussion.**

20. Approve a resolution authorizing the filing of eminent domain proceedings for the Harris Branch Interceptor Lower A Project for a 1.711-acre tract of land for a permanent wastewater line easement, being out of and a part of the Mariquita Castro Survey No. 50, Abstract No. 160, in Travis County, Texas, in the amount of \$29,943. The owner of the needed property interests is KARAMALEGOS INVESTMENTS, LLC, aka KARAMALEGOS INVESTMENTS, LLC, A TEXAS LIMITED LIABILITY COMPANY. The property is located on the southeast side of Farmer Lane and the north side of Boyce Lane, northeast of Austin, Travis County, Texas.

**Resolution No. 20110818-020 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

21. Approve a resolution authorizing the filing of eminent domain proceedings for the Williamson Creek Tributary 2 Spring Meadow-Lark Creek-Williamson Creek Project for 9,692 square feet of land for a permanent drainage easement, 33,919 square feet of land for a permanent drainage, detention water quality pond and access easement, and 33,919 square feet of land for a temporary staging and material storage site easement, all out of and a part of Lot 93, Block K, Second Amended Plat of Williamson Creek Subdivision Section Two, a subdivision in the City of Austin, Travis County, Texas according to the map or plat thereof recorded in Volume 86, Pages 198B-199C, Plat Records of Travis County, Texas, in the amount of \$24,022. The owners of the necessary property interests are RAFIK S. MOMIN AND

ROZMIN R. MOMIN. The property is located at 5001 Nuckols Crossing Road, Austin, Travis County, Texas.

**Resolution No. 20110818-021 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

22. Approve a resolution authorizing the negotiation and execution of all documents necessary or desirable to purchase in fee simple a tract of land totaling approximately 611 acres in Travis County, Texas, located on Bliss Spillar Road from 668 AVANA LAND HOLDINGS, LLC, through an assignment of an OPTION FOR THE PURCHASE OF REAL ESTATE by The Nature Conservancy (TNC) for a total amount not to exceed \$11,550,000, \$50,000 of which amount is for the payment of indirect expenses incurred by TNC in connection with this transaction. Related to Item #71.

**Resolution No. 20110818-022 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

23. Authorize the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a drainage easement totaling approximately 0.0415 acres out of Lot 49, Ridgelea, in Travis County, Texas, located at 3908 Ridgelea Drive from ROBERT J. ZAMBARANO AND SUSAN ANGORGE for the Ridgelea Storm Drain Improvements Project, in an amount not to exceed \$54,284.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to purchase in fee simple a drainage easement from Robert J. Zambarano and Susan Angorge was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 24 was pulled for discussion.**

25. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire conservation easements totaling approximately 1.943-acres and an access easement of approximately 0.942-acre, out of the Isaac Decker League Survey No. 20, in Travis County, Texas, being a portion of Tract 1, Oltorf Addition, a subdivision in the City of Austin according to the map or plat of record in Volume 10, Page 12, of the Plat Records of Travis County, Texas, locally known as 1301 West Oltorf, from WOODVIEW MHC, LLLP for the Woodview Mobile Home Park (MHP) Buyout Program Project, in the amount of \$700,000 for the easements, plus eligible closing costs and other related expenses up to \$30,000, for an amount not to exceed \$730,000. Related to Item #26 and Item #70.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire conservation easements from Woodview MHC, LLLP was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

26. Authorize the negotiation and execution of all documents and instruments necessary or desirable to acquire 14 mobile homes in the Woodview Mobile Home Park (MHP) for the Woodview MHP Buyout in an amount not to exceed \$350,000, plus relocation benefits, moving expenses and other related expenses not to exceed \$1,050,000, for a total amount not to exceed \$1,400,000. The Woodview MHP is located at 1301 West Oltorf, Lot 1 Oltorf Addition, a subdivision in Travis County, Texas, according to the map or plat recorded in Volume 10, Page 12, of the Plat Records of Travis County, Texas. Related to Item #25 and Item #70.

**The motion authorizing the negotiation and execution of all documents and instruments necessary or desirable to acquire 14 mobile homes in the Woodview Mobile Home Park was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

27. Approve a resolution authorizing the issuance by Moore's Crossing Municipal Utility District ("District"), of Unlimited Tax Bonds, Series 2011, in an amount not to exceed \$2,000,000, and approving a substantial draft of the District's Bond Resolution and the Preliminary Official Statement.

**Resolution No. 20110818-027 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

28. Approve an ordinance authorizing acceptance of \$87,278 in grant funds from the National Park Service and amending the Fiscal Year 2010-2011 Planning and Development Review Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate \$87,278 for continued development and implementation of the Web-based Historical Survey Web tool project.  
**Ordinance No. 20110818-028 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
29. Authorize the negotiation and execution of an interlocal agreement with University of Texas at Austin for continued development and implementation of the web-based Historical Survey Web tool project, in the amount of \$87,278.  
**The motion authorizing the negotiation and execution of an interlocal agreement with University of Texas at Austin was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
30. Approve an ordinance authorizing the negotiation and execution of a Managed Growth Agreement with the Austin Baptist Church for the 11.426 acre tract located at 9925 McNeil Drive, part of The Offices at Ribelin Ranch site plan, known as SPC-2007-0497C(XT2). MGA.  
**Ordinance No. 20110818-030 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
31. Authorize the negotiation and execution of an Interlocal Agreement between the City of Austin and Travis County to accept and administer the 2011 Justice Assistance Grant Program (JAG) on behalf of the City of Austin and the Travis County Sheriff's Office. Related to Item #32.  
**The motion authorizing the negotiation and execution of an interlocal agreement between the City of Austin and Travis County was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
32. Authorize application for \$393,697 in grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, for the Justice Assistance Grant Program (JAG). The City of Austin will receive \$295,273 and Travis County will receive \$98,424. The City will use its JAG funds to pay for police equipment and supplies. Related to Item #31. ( Notes: Related to Item # ---- (8006) )  
**The motion authorizing the application for grant funding from the U.S. Department of Justice, Bureau of Justice Assistance, was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 33 was pulled for discussion.**

34. Authorize negotiation and execution of a Master Utility Adjustment Agreement and any amendments thereto between the City of Austin and Central Texas Mobility Constructors LLC (CTMC) for Utility Relocations and Betterments within the roadway right-of-way of the "Manor Expressway - US 290 (East) from US 183 to East SH 130 (E. Parmer Lane)" in an amount not to exceed \$500,000.  
**The motion authorizing the negotiation and execution of a master utility adjustment agreement and any amendments thereto between the City of Austin and Central Texas Mobility Constructors LLC (CTMC) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
35. Authorize award and execution of Amendment No. 1 to a contract with BADGERMETER, INC., Milwaukee, WI, for badger meter repair parts for the Austin Water Utility, to exercise the first 12-month extension option in an estimated amount not to exceed \$15,000, and to authorize two additional 12-month extension options in an estimated amount not to exceed \$15,000 per extension option, for a revised total contract amount not to exceed \$90,000.

**The motion authorizing the award and execution of amendment number one to a contract with Badgermeter, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

36. Authorize award and execution of Amendment No. 3 to a contract with NATIONAL WORKS, INC., New Braunfels, TX for additional services for cleaning and inspection of large diameter sanitary sewer collection system lines for the Austin Water Utility in an amount not to exceed \$125,164.25 for a revised contract amount of \$625,821.25, for a revised total agreement amount not to exceed \$1,672,842.75.  
**The motion authorizing the award and execution of amendment number three to a contract with National Works, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

37. Authorize award and execution of a contract with ATLAS COPCO COMPTEC, LLC., Voorheesville, NY for the one-time purchase of replacement blower parts for the Austin Water Utility in an amount not to exceed \$112,857. Atlas Copco Comptec LLC is the sole source provider for these products.  
**The motion authorizing the award and execution of a contract with Atlas Copco Comptec, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

38. Authorize award and execution of a 36-month requirements supply contract with KEMIRA WATER SOLUTIONS, INC., Lawrence, KS, for the purchase of liquid ferric sulfate for the Austin Water Utility in an estimated amount not to exceed \$1,773,630, with three 12-month extension options in an estimated amount not to exceed \$591,210 per extension option, for a total estimated contract amount not to exceed \$3,547,260.  
**The motion authorizing the award and execution of a requirements supply contract with Kemira Water Solutions, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

39. Authorize award and execution of a 12-month requirements service contract with WACHS WATER SERVICES, Buffalo Grove, IL, to provide leak detection services for the Austin Water Utility in an estimated amount not to exceed \$191,450, with two 12-month extension options in an estimated amount not to exceed \$191,450 per extension option, for a total estimated contract amount not to exceed \$574,350.  
**The motion authorizing the award and execution of a requirements service contract with Wachs Water Services was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

40. Authorize award and execution of a 36-month requirements service contract with BLACKMON MOORING OF TEXAS, INC., Austin, TX, to provide applied structural drying services for the Austin Water Utility in an estimated amount not to exceed \$180,000, with three 12-month extension options in an estimated amount not to exceed \$60,000 per extension option, for a total estimated contract amount not to exceed \$360,000.  
**The motion authorizing the award and execution of a requirements service contract with Blackmon Mooring of Texas, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

41. Authorize award and execution of a contract with HILL COUNTRY FENCE, INC., Spicewood, TX for the purchase and installation of fence at the Balcones Canyonlands Preserve, Ivanhoe & Long Canyon for the Austin Water Utility in an amount not to exceed \$119,572.  
**The motion authorizing the award and execution of a contract with Hill Country Fence, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

42. Authorize award and execution of a 36-month requirements supply contract with MUELLER SYSTEMS, LLC., Cleveland, NC, for the purchase of water meters for the Austin Water Utility in an estimated amount not to exceed \$386,220, with three 12-month extension options in an estimated amount not to exceed \$128,740 per extension option, for a total estimated contract amount not to exceed \$772,440.  
**The motion authorizing the award and execution of a requirements supply contract with Mueller Systems, LLC was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
43. Authorize award and execution of a 24-month requirements supply contract with HD SUPPLY WATERWORKS, Round Rock, Texas, for the purchase of concrete manhole sections for the Austin Water Utility in an estimated amount not to exceed \$28,770, with two 12-month extension options in an estimated amount not to exceed \$14,385 per extension option, for a total estimated contract amount not to exceed \$57,540.  
**The motion authorizing the award and execution of a requirements supply contract with HD Supply Waterworks was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
44. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD, Nederland, TX, for the purchase of 32 light-duty pick up trucks in an amount not to exceed \$728,774.65.  
**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
45. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with PHILPOTT MOTORS, LTD., Nederland, TX, for the purchase of 38 medium-duty service vehicles in an amount not to exceed \$1,594,729.60. Recommended by the Electric Utility Commission.  
**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Philpott Motors, Ltd. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
46. Authorize award and execution of a 36-month requirements service contract with AUSTIN HI-TECH RESTORATION, INC. Austin, TX, or one of the other qualified bidders for IFB-BV No. PAX0209, for temporary fencing and boarding in an estimated amount not to exceed \$535,080, with three 12-month extension options in estimated amounts not to exceed \$254,016 for the first extension option, \$304,819 for the second extension option, and \$365,783 for the third extension option, for a total estimated contract amount not to exceed \$1,459,698.  
**The motion authorizing the award and execution of a requirements service contract with Austin Hi-Tech Restoration, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
47. Authorize award and execution of a 12-month requirements service contract with HLP INC., Lakewood, CO to provide maintenance and support of Chameleon/CMS and Chameleon Public Access software programs for the Town Lake Animal Center (TLAC) in an estimated amount not to exceed \$26,880, with three 12-month extension options in estimated amount not to exceed \$26,880 per extension option, for a total estimated contract amount not to exceed \$107,520.  
**The motion authorizing the award and execution of a requirements service contract with HLP Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
48. Authorize award and execution of Amendment No. 4 to a contract with ASSOCIATED TIME & PARKING CONTROLS, INC., Austin, TX, for system maintenance and technical support for the parking

revenue control equipment at the Austin-Bergstrom International Airport to provide funding in an estimated amount not to exceed \$929,098, for a total estimated contract amount not to exceed \$1,379,098. Associated Time & Parking Controls, Inc. is the sole source provider for the maintenance and support of the equipment.

**The motion authorizing the award and execution of amendment number four to a contract with Associated Time & Parking Controls, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

49. Authorize award, negotiation, and execution of Amendment No. 1 to a contract with i2, INC., McLean, VA, for the purchase of Compstat Analyzer software module for the Austin Police Department in an amount not to exceed \$49,950 and authorization to increase the four remaining extension options in an amount not to exceed \$6,450 per extension option (from \$56,646 to \$63,096 per extension option), for a revised total contract amount not to exceed \$1,020,328.

**The motion authorizing the award and negotiation and execution of amendment number one to a contract with i2, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

50. Authorize award and execution of Amendment No. 2 to a contract with HILL'S PET NUTRITION SALES INC., Topeka, KS for the purchase of prescription pet food for the Town Lake Animal Center to extend the contract for one 12-month period in an amount not to exceed \$15,000, and authorize one additional 12-month extension option in an amount not to exceed \$15,000, for a revised total estimated contract amount not to exceed \$90,000.

**The motion authorizing the award and execution of amendment number two to a contract with Hill's Pet Nutrition Sales Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

51. Authorize award and execution of a 36-month requirements supply contract with COMADE INC., Santa Ana, CA to provide traffic safety equipment in an estimated amount not to exceed \$145,764, with three 12-month extension options in estimated amounts not to exceed \$69,198 for the first extension option, \$83,037 for the second extension option, and \$99,645 for the third extension option, for a total estimated contract amount not to exceed \$397,644.

**The motion authorizing the award and execution of a requirements supply contract with Comade Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

52. Authorize award and execution of a 36-month requirements supply agreement with LNT SOLUTIONS, INC., Exton, PA, for deicing materials for the Austin-Bergstrom International Airport in an estimated amount not to exceed \$1,917,000, with two 12-month extension options in an estimated amount not to exceed \$639,000 per extension option, for a total estimated contract amount not to exceed \$3,195,000.

**The motion authorizing the award and execution of a requirements supply agreement with LNT Solutions, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

53. Authorize award, negotiation, and execution of a 36-month revenue contract with GILA, LLC, dba MUNICIPAL SERVICES BUREAU (MSB), Austin, TX or one of the other qualified offerors to RFP No. PAX0101, for the collection of delinquent Municipal Court cases with estimated annual net to general fund revenue of \$2,850,000, with three 12-month extension options with estimated revenue of \$2,850,000 per extension option, for a total estimated contract revenue of \$17,100,000.

**The motion authorizing the award, negotiation, and execution of a revenue contract with Gila, LLC doing business as Municipal Services Bureau (MSB) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**



54. Authorize award and execution of a 36-month requirements service agreement with JOHNSON CONTROLS, INC., Austin, TX, to provide chiller maintenance and repair services in an estimated amount not to exceed \$691,600, with three 12-month extension options in estimated amounts not to exceed \$328,320 for the first extension option, \$393,984 for the second extension option, and \$472,780 for the third extension option, for a total estimated contract amount not to exceed \$1,886,684.  
**The motion authorizing the award and execution of a requirements service agreement with Johnson Controls, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
55. Authorize award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with INTERTECH FLOORING, Austin, TX, for the purchase and installation of carpet at the Austin-Bergstrom International Airport in an amount not to exceed \$122,832.  
**The motion authorizing the award and execution of a contract through the Texas Multiple Award Schedule (TXMAS) with Intertech Flooring was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
56. Authorize award and execution of a 12-month service contract with ALLIED INDUSTRIES, INC., Irving, TX, to provide demolition and debris removal services for the Code Compliance Department in an amount not to exceed \$82,800 with four 12-month extension options in an amount not to exceed \$82,800 per extension option, for a total contract amount not to exceed \$414,000.  
**The motion authorizing the award and execution of a service contract with Allied Industries, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
57. Authorize award and execution of a 36-month requirements supply contract with INDUSTRIAL DISPOSAL SUPPLY CO., INC. San Antonio, TX to provide repair parts and services for Advance street sweepers in an estimated amount not to exceed \$255,232, with three 12-month extension options in amounts not to exceed \$118,874 for the first extension option, \$141,569 for the second extension option, and \$168,803 for the third extension option, for a total estimated contract amount not to exceed \$684,478. Industrial Disposal Supply Co., Inc. is the single source provider for these parts and services.  
**The motion authorizing the award and execution of a requirements supply contract with Industrial Disposal Supply Co., Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
58. Authorize award and execution of Amendment No. 1 to a contract with POLLYANNA THEATRE CO., Austin, TX, to provide outreach live performance program services for Solid Waste Services Department, to extend the contract for one 12-month period in an estimated amount not to exceed \$19,060, with two additional 12-month extension options in the amount of \$19,060 per extension option, for a revised total contract amount not to exceed \$114,360.  
**The motion to authorize the award and execution of amendment number one to a contract with Pollyanna Theatre Co. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
59. Authorize award and execution of a 12-month requirements supply contract with ACE 1 POWER EQUIPMENT, Austin, TX, for the purchase of meter sockets with prewired voltage transformer packs for Austin Energy in an estimated amount not to exceed \$150,000, with four 12-month extension options in an estimated amount not to exceed \$150,000 per extension option, for a total estimated contract amount not to exceed \$750,000.  
**The motion authorizing the award and execution of a requirements supply contract with Ace 1 Power Equipment was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

60. Authorize award and execution of a 12-month requirements supply contract with TEXAS ELECTRIC COOPERATIVES, Georgetown, TX, for the purchase of relays for switchgear and control panels for Austin Energy in an estimated amount not to exceed \$200,000, with four 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,000,000.  
**The motion authorizing the award and execution of a requirements supply contract with Texas Electric Cooperatives was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
61. Authorize award and execution of a 12-month requirements supply contract with WAUKESHA ELECTRIC SYSTEMS, INC., Dallas, TX, for the purchase of load tap changer kits for use at Austin Energy substations in an estimated amount not to exceed \$200,000, with four 12-month extension options in an estimated amount not to exceed \$200,000 per extension option, for a total estimated contract amount not to exceed \$1,000,000.  
**The motion authorizing the award and execution of a requirements supply contract with Waukesha Electric Systems, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
62. Authorize award, negotiation and execution of a contract with JOHNSON CONTROLS, INC., Austin, TX for a motor upgrade on a YORK chiller for the Domain District Energy Cooling System for a total estimated contract amount not to exceed \$156,690. Johnson Controls, Inc., is the sole source provider for this product.  
**The motion authorizing the award, negotiation and execution of a contract with Johnson Controls, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
63. Authorize award and execution of a contract with SIEMENS INDUSTRY, INC., for the purchase and installation of an electrical distribution bus duct in an amount not to exceed \$70,978. Siemens Industry, Inc., is the sole source provider for this product.  
**The motion authorizing the award and execution of a contract with Siemens Industry, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
64. Authorize award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with STANLEY CONVERGENT SECURITY SOLUTIONS, INC., Austin, TX, for the purchase and installation of electronic access and security systems for the new Animal Shelter in an amount not to exceed \$130,000.  
**The motion authorizing the award and execution of a contract through the Texas Local Government Purchasing Cooperative (BuyBoard) with Stanley Convergent Security Solutions, Inc. was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
65. Authorize award, negotiation, and execution of a 10-month interlocal revenue contract through Travis County with GASTON & SHEEHAN AUCTIONEERS, Pflugerville, TX, for auctioneer services with three 12-month extension options.  
**The motion authorizing the award, negotiation and execution of a interlocal revenue contract through Travis County with Gaston & Sheehan Auctioneers was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
66. Authorize award and execution of a 24-month requirements supply contract with POWER SUPPLY, Austin, TX for the purchase of 200 Pelco Spectra 4 IP Digital Cameras for the Transportation Department in an amount not to exceed \$141,613 with two 12-month extension options in an amount not to exceed \$70,806.50 per extension for a total contract amount not to exceed \$283,226.

**The motion authorizing the award and execution of a requirements supply contract with Power Supply was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

67. Authorize award and execution of Amendment No. 2 to a 36-month requirements supply agreement with AIRGAS SOUTHWEST, Austin, TX, for the purchase of Lumidor gas monitors and parts for the Austin Water Utility for three 12-month extension options in an estimated amount not to exceed \$40,000 per extension option, for a total estimated contract amount not to exceed \$240,000.

**The motion authorizing the award and execution of amendment number two to a requirements supply agreement with Airgas Southwest was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

68. Authorize award and execution of a 12-month requirement service agreement with YOUR FLYERS DELIVERED, Austin, TX, for the distribution of door hanging advertisements for Austin Energy's Power Saver(tm) Programs in an estimated amount not to exceed \$29,850, with three 12-month extension options in an estimated amount not to exceed \$29,850, for a total estimated contract amount not to exceed \$119,400.

**The motion authorizing the award and execution of a requirements service agreement with Your Flyers Delivered was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

69. Approve negotiation and execution of a twelve (12) month Interlocal Agreement with the AUSTIN INDEPENDENT SCHOOL DISTRICT (AISD) for the provision of transportation services for students participating in the City's Earth Camp program for fiscal year 2011-2012 not to exceed an amount of \$26,000, with five additional one-year extension options, each in an amount not to exceed \$26,000, for a total contract amount not to exceed \$156,000.

**The motion authorizing the negotiation and execution of an interlocal agreement with the Austin Independent School District (AISD) was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

70. Approve an ordinance authorizing acceptance of grant funds in the amount of \$1,189,356 from the Office of the Governor, Division of Emergency Management and amending the Fiscal Year 2010-2011 Watershed Protection Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to accept and appropriate \$1,189,356 to the DR-1709 "2007 Severe Storms & Flooding" HMGP Program for the buyout and demolition of mobile homes in the floodplain of West Bouldin Creek in the Woodview Mobile Home Park. Related to Item #25 and Item #26. ( Notes: Related to item # 8499 and item # 8933 )

**Ordinance No. 20110818-070 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

71. Approve an ordinance accepting mitigation funds in the amount of \$410,525 pursuant to the Managed Growth Agreement with CRVI Loop 360 LP; amending the Fiscal Year 2010-2011 Barton Springs Zone Mitigation Fund to appropriate \$410,525 in mitigation funds; and amending the Fiscal Year 2010-2011 Watershed Protection Department Capital Budget (Ordinance No. 20100913-003) to transfer in \$410,525 from the Barton Springs Zone Mitigation Fund for open space acquisition. Related to Item #22. ( Notes: Related to Item #7811, Avana Land Holdings. )

**Ordinance No. 20110818-071 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Item 72 was pulled for discussion.**

73. Approve appointments and certain related waivers to citizen boards and commissions, to Council subcommittees and other intergovernmental bodies and removal and replacement of members.

**The following appointments and waivers were approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Board/Nominee****Nominated by**2012 Charter Revision Committee

Senator Gonzalo Barrientos  
Fred Cantu  
Nelson Linder  
Margaret Menicucci  
Ken Rigsbee

Mayor Pro Tem Cole  
Mayor Leffingwell  
Mayor Pro Tem Cole  
Mayor Leffingwell  
Mayor Leffingwell

African American Resource Advisory Commission

Sherry Cherry

Council Member Spelman

Austin Music Commission

Michael Feferman

Council Member Riley

Board of Adjustment

Melissa Whaley Hawthorne

Mayor Leffingwell

Community Development Commission

Cory A. Coles (representative – St. John's area)  
Liz Mueller  
Cornell Woolridge

Council Member Tovo  
Council Member Morrison  
Council Member Spelman

Construction Advisory Committee

Martin Prisant

Council Member Tovo

Downtown Austin Community Court Advisory Committee

Will Hancock

Council Member Tovo

Downtown Commission

Jude Galligan  
Heather Way

Council Member Riley  
Council Member Morrison

Electric Board

Tasha McCarter

Council Member Tovo

Ethics Review Commission

Donna Beth McCormick

Council Member Morrison

Library Commission

Olga Wise

Council Member Spelman

Parks and Recreation Board

Lynn Osgood

Council Member Tovo

Planning Commission

Alfonso Hernandez  
Donna Tiemann

Council Member Martinez  
Council Member Morrison

Residential Design and Compatibility Commission

William Burkhardt  
Mary Ingle

Council Member Riley  
Council Member Tovo

Resource Management Commission

Richard Amato

Council Member Riley

Robert Mueller Municipal Airport Plan Implementation Advisory Commission

Celia Israel

Council Member Riley

Sustainable Food Policy Board

Katherine Nicely

Council Member Riley

Waterfront Planning Advisory Board

Roy Mann  
Dean Rindy

Council Member Riley  
Council Member Morrison

Waivers

Approve a waiver of simultaneous service on more than one City-established board as provided in Section 2-1-21 of the City Code for Nelson Linder's service on the 2012 Charter Revision Committee.

Approve a waiver of the residency requirement in Section 2-1-21 of the City Code for Celia Israel's service on the RMMA Plan Implementation Advisory Commission.

**Item 74 was set for a time certain of 3:00 p.m.**

**Item 75 was pulled for discussion.**

**Item 76 was set for a time certain of 3:00 p.m.**

77. Approve a resolution directing the Resource Management Commission (RMC) to provide a briefing to Council, with assistance from community resources if it chooses, on the topic of water conservation and reuse during the August 25th Council meeting. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Laura Morrison CO 2: Mayor Pro Tem Sheryl Cole)

**Resolution No. 20110818-077 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

78. Approve a resolution initiating code amendments to City Code Title 25 (Land Development Code), directing the City Manager to work with stakeholders to develop recommendations regarding the use of Personal Services in LO zoning, and directing the City Manager to process code amendments to implement the recommendations. (Notes: SPONSOR: Council Member Chris Riley CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison)

**Resolution No. 20110818-078 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

**Items 79 and 80 were pulled for discussion.**

81. Approve a resolution supporting the proposal of certain medical institutions and organizations in central Texas to form the Emergency Neurological Research Collaborative of Central Texas (ENROLL) and to join the Neurological Emergencies Treatment Trials (NETT) Network as a "hub" to help achieve benefits to the Austin region. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Mike Martinez) Recommended by the Public Health and Human Services Committee.

**Resolution No. 20110818-081 was approved on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

82. Set a public hearing to consider an ordinance amending Chapter 25-6 of the City Code to modify parking requirements for properties in the downtown area that are zoned P-Public (C20-2011-010). (Suggested date and time: September 22, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set on consent for September 22, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
83. Set a public hearing to consider an ordinance amending Ordinance No. 20070621-150 extending the expiration date, updating the site plan application number, and amending conditions for floodplain variances previously granted for construction of a mixed-use commercial project at 835 W. 6th Street that is in the 25-year and 100-year floodplains of Shoal Creek. (Suggested date and time: August 25, 2011, at 4:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)  
**This item was withdrawn on consent on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
84. Set a public hearing to consider an ordinance regarding floodplain variances requested by Shoal Creek Walk, Ltd., owner of a commercial parking lot at 835 W. 6th Street, which is in the 25-year and 100-year floodplains of Shoal Creek. (Suggested date and time: August 25, 2011, at 4:00 p.m., Austin City Hall, 301 West Second Street, Austin, TX)  
**The public hearing was set on consent for August 25, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
85. Set a Public Hearing to consider an ordinance regarding a proposal from ATMOS Energy Corporation to increase customer gas rates. (Suggested date and time: August 25, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX).  
**The public hearing was set on consent for August 25, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
86. Set a public hearing to consider an ordinance amending Chapter 25-12, Article 1 of the City Code (Building Code) to amend the local amendments to the building code. (Suggested date and time: September 22, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set on consent for September 22, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
87. Set a public hearing to consider an ordinance amending Section 25-12-133, Article 5 of the City Code (Mechanical Code) amending certain local amendments. (Suggested date and time: September 22, 2011, 4:00 p.m. at Austin City Hall, 301 W. Second Street, Austin, TX.)  
**The public hearing was set on consent for September 22, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**
88. Set a public hearing to consider an ordinance repealing and replacing Article 4 (Electrical Code) of Section 25-12 of the City Code to adopt the 2011 National Electrical Code, and adopting certain local amendments to the Electrical Code. (Suggested date and time: September 22, 2011, 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set on consent for September 22, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

89. Set a public hearing to consider an ordinance amending Section 25-12-153, Article 6 of the City Code (Plumbing Code) to amend local amendments. (Suggested date and time: September 22, 2011 4:00 p.m., at Austin City Hall, 301 W. Second Street, Austin, TX.)

**The public hearing was set on consent for September 22, 2011 at 4:00 p.m., City Hall at 301 W. Second Street, Austin, TX on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

Item 90 was a briefing item set for 10:30 a.m.

Items 91 through 95 were Executive Session items.

Items 96 through 105 were zoning items set for 2:00 p.m.

### DISCUSSIONITEMS

**Items 11 and 72 were acted on in a combined motion.**

11. Authorize execution of a construction contract with SMITH CONTRACTING COMPANY, INC., Austin, TX for the Little Shoal Creek Realignment and Utility Relocation - Phase I project in the amount of \$4,774,017 plus a \$716,102.55 contingency, for a total contract amount not to exceed \$5,490,119.55. Related to Item #72.

**The motion authorizing the execution of a construction contract with Smith Contracting Company, Inc. was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

72. Approve an ordinance amending the Fiscal Year 2010-2011 Watershed Protection Department Capital Budget (Ordinance No. 20100913-003) to increase appropriations by \$2,000,000 for the Little Shoal Creek Tunnel. Related to Item #11. (Notes: Related to Item #7988 - the request to award the construction contract for the Little Shoal Creek Realignment & Utility Relocation - Phase I project.)

**Ordinance No. 20110818-072 was approved on Council Member Morrison's motion, Council Member Spelman's second on a 7-0 vote.**

19. Approve an ordinance vacating the portion of Colorado Street between 10th and 11th Streets and certain other City-owned rights-of-way adjacent to the Texas Governor's Mansion; authorizing the City Manager to negotiate and execute a master agreement with the State of Texas regarding the use of the vacated City right-of-way; amending Chapter 12-1 of the City Code to restrict vehicular traffic on the vacated portion of Colorado Street; authorizing the reimbursement of costs to relocate City utilities in an amount not-to-exceed \$178,440.90; and waiving certain other requirements under Chapter 14-11 relating to vacation of right-of-way.

**Ordinance No. 20110818-019 was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second on a 7-0 vote.**

### CITIZEN COMMUNICATIONS GENERAL

George LeCrenn- Water fluoridation

Todd Wroblewski- Formula 1 **Not present when name was called.**

Kurt Blaschke- Environmental issues related to Barton Springs pool

Adrian Moore- Council on At-risk Youth (CARY) Proposal

Robert King- Council on At-risk Youth funding & Process for social services funding generally

Neeshae Horton- TBD **Not present when name was called.**

CAROLANNEROSEKENNEDY - Three street signs requested May 2011

Leslie King – TBD

Gus Peña - 1. Please continue to fully fund or increase funding for summer job programs for the youth. 2. Do not postpone or delay the cadet A.P.D. class. We need more officers on the streets. 3. You, the City, need to find more money for social service agencies. The need is increasing. More people and families are becoming homeless. 4. Please continue to collaborate with A.I.S.D. to help fund dropout prevention, truancy programs and measures. 5. Please volunteer your time and help mentor, tutor our students that need help achieve scholastic excellence. 6. Please thank and show your support and appreciation for our military troops that are defending our country and other countries safety and freedom 7. A societies worth is measured by its treatment of the less fortunate

Mona Gonzalez- Support for children and families in Dove Springs

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 12:31 p.m.**

#### **EXECUTIVE SESSION**

**The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.**

92. Discuss legal issues related to Emergency Responders for Equality, et al v. Rhoda Mae Kerr, et al., No. A 09 CA 886 LY; In the United States District Court for the Western District of Texas, Austin Division. (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).  
**This item was withdrawn.**
93. Discuss legal issues related to No. 10-0316; City of Austin, Petitioner v. Harry M. Whittington, et al., Respondents; In the Supreme Court of Texas (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).  
**This item was withdrawn.**
94. Discuss legal issues in Eddie Rodriguez, et al v. Rick Perry et al, Cause No. SA-11-CA-635-OLG-JES-XR [Consolidated case], U.S. District for the Western District of Texas, San Antonio Division. ( Private Consultation with legal counsel pursuant to Section 551.071 of the Government Code).  
**This item was withdrawn.**
95. Discuss legal issues in Nathaniel Sanders, Sr., Individually and As Heir to the Estate of Nathaniel Sanders II, and Yulonda Sanders, Individually, and As Heir to the Estate of Nathaniel Sanders II. v. Leonardo Quintana; In the U.S. District Court for the Western District of Texas - Austin Division; Case No. A-09-CA-426-SS and Sir Smith v. Leonardo Quintana and City of Austin, Case No. A-10-CA-778-SS; In the U.S. District Court for the Western District of Texas - Austin Division. (Private Consultation with Legal Counsel pursuant to Section 551.071 of the Government Code).



Executive Session ended and Mayor Leffingwell called the Council Meeting back to order at 2:07 p.m.

#### DISCUSSION ITEMS CONTINUED

18. Approve a settlement in Nan Galvan v. City of Austin, et al; Cause No. D-1-GN-08-003538, In the 353rd Judicial District Court, Travis County, Texas  
**The motion to settle the above referenced lawsuit, by the City paying \$32,500 in full and final settlement to Nan Galvan, was approved on Council Member Spelman's motion, Mayor Pro Tem Cole's second, on a 7-0 vote.**

#### BRIEFING

90. Downtown Plan briefing  
**The presentation was made by Jim Robertson, Planning and Development Review Department, and Jim Adams, President of McCann Adams Studio.**

#### ZONING CONSENT ITEMS (PUBLIC HEARINGS)

**The following zoning items were acted on by one motion. No separate action occurred on any of the items.**

97. C14-2011-0062 - Junior League Office - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8501 Bluffstone Cove (Bull Creek Watershed) from community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning to community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning, to change a condition of zoning. Staff Recommendation: To grant community commercial-conditional overlay (GR-CO) combining district zoning and rural residence (RR) district zoning. Zoning and Platting Commission Recommendation: To be reviewed on September 6, 2011. Owner/Applicant: Junior League of Austin (Morgan Hardin). Agent: Winstead PC (Pete Winstead). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to September 22, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
98. C14-2011-0051 - 6104 South 1st Zoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6104 South 1st Street (Williamson Creek Watershed) from limited office (LO) district zoning to general office (GO) district zoning. Staff Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning. Zoning and Platting Commission Recommendation: To grant general office-conditional overlay (GO-CO) combining district zoning for Tracts 1 and 2. Owner/Applicant: Mursch Partners, LP (J. Winston Krause). Agent: Werner Campbell Permits (Danae Falvo). City Staff: Wendy Rhoades, 974-7719.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110818-098 for general office-conditional overlay (GO-CO) combining district zoning for Tracts 1 and 2 was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
99. C14-2011-0058 - 707 West Ave. Rezoning - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 705, 707, 709, 711 West Avenue & 710 West 7th Street (Shoal Creek Watershed) from general office (GO) district zoning to general commercial services (CS) district zoning. Staff Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district zoning. Planning Commission Recommendation: To grant general commercial services-conditional overlay (CS-CO) combining district

zoning. Applicant: Cirrus Logic (Thurman Case). Agent: Armbrust and Brown, P.L.L.C. (Richard Suttle). City Staff: Clark Patterson, 974-7691.

**This item was postponed on consent to August 25, 2011 at the owner's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

100. C14-2011-0047 - 801 South Lamar - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 801 South Lamar Boulevard (West Bouldin Creek Watershed) from family residence (SF-3) district zoning to general commercial services-vertical mixed use building (CS-V) combining district zoning. Staff Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Planning Commission Recommendation: To grant general commercial services-vertical mixed use building (CS-V) combining district zoning. Applicant: 801 Ltd. (Daryl Kunik). Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.

**This item was postponed on consent to October 20, 2011 at the applicant's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

101. C14-2011-0064 - Govalle Tunnel Centralized Odor Control Facility - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800-814 Patton Avenue (Colorado River Watershed) from family residence (SF-3) district zoning to public (P) district zoning. Staff Recommendation: To grant to public (P) district zoning. Zoning and Platting Commission Recommendation: To grant to public (P) district zoning. Owner/Applicant: City of Austin Public Works Department (Jonathan Thompson). Agent: Parsons Corporation (Monica Suarez). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110818-101 for public (P) district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

102. C14-2010-0111 - 10301 Old San Antonio Road Rezone - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 10301 Old San Antonio Road (Slaughter Creek Watershed) from multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning. Staff Recommendation: To deny multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning. Zoning and Platting Commission Recommendation: To grant multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning. Owner/Applicant: Sheldon Stablewood, LP (Rick Sheldon). Agent: Thrower Design (Ron Thrower). City Staff: Wendy Rhoades, 974-7719.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110818-102 for multi-family residence-low density-conditional overlay (MF-2-CO) combining district zoning to change a condition of zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

103. C14-2011-0038 - Mountain Shadows - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 8800 Sky Mountain Drive (Williamson Creek Watershed - Barton Springs Zone) from rural residential-neighborhood plan (RR-NP) combining district zoning to multi-family residence-limited density-neighborhood plan (MF-1-NP) combining district zoning. Staff Recommendation: To grant multi-family residence-limited density-conditional overlay-neighborhood plan (MF-1-CO-NP) combining district zoning. Planning Commission Recommendation: To grant multi-family residence-limited density-conditional overlay-neighborhood

plan (MF-1-CO-NP) combining district zoning. Applicant: Judith Elaine Leggett. Agent: Thrower Design (Ron Thrower). City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No.20110818-103 for multi-familyresidence-limited density-conditional overlay-neighborhood plan (MF-1-CO-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

104. C14-2011-0023 - 1601 Cedar Bend Drive - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1601 Cedar Bend Drive (Walnut Creek Watershed) from rural residence (RR) district zoning to limited office-conditional overlay (LO-CO) combining district zoning. Staff Recommendation: Pending. Zoning and Platting Commission Recommendation: To be reviewed on September 6, 2011. Owner/Applicant: Jack Cearley. Agent: Lenworth Consulting (Nash Gonzales). City Staff: Sherri Sirwaitis, 974-3057.  
**This item was postponed on consent to September 22, 2011 at the staff's request on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
105. C14H-2010-0032 - Robert and Helena Ziller House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 800 Edgecliff Terrace (Lady Bird Lake Watershed) from family residence-neighborhood plan (SF-3-NP) combining district zoning to family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Staff Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Historic Landmark Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Planning Commission Recommendation: To grant family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning. Applicants: Tim and Pam Walker, owners. City Staff: Steve Sadowsky, 974-6454.  
**The public hearing was conducted and the motion to close the public hearing and adopt Ordinance No. 20110818-105 for family residence-historic landmark-neighborhood plan (SF-3-H-NP) combining district zoning was approved on consent on Council Member Spelman's motion, Council Member Morrison's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**

#### EXECUTIVE SESSION CONTINUED

**Mayor Leffingwell recessed the Council Meeting to go into Executive Session at 2:34 p.m.**

91. Discuss legal issues related to an Open Meetings Act complaint, associated requests made under the Public Information Act, the retention of records and financial disclosure (Private consultation with legal counsel pursuant to Section 551.071 of the Government Code).

**Mayor Leffingwell called the Council Meeting back to order at 4:05 p.m.**

#### DISCUSSION ITEMS CONTINUED

74. Approve an ordinance amending City Code Section 12-3-5(B) to change the applicability of extended metered parking; and directing the City Manager to provide the council with reports and recommendations regarding extended metered parking hours (Notes: SPONSOR: Council Member Mike Martinez CO 1: Mayor Lee Leffingwell)  
**The motion to approve the ordinance was made by Council Member Martinez, seconded by Council Member Morrison. There was a friendly amendment made by Mayor Leffingwell to do the evaluation in January. This was withdrawn.**

The following amendment was made by Council Member Spelman and seconded by Council Member Riley. The amendment was approved on a 4-3 vote. Those voting aye were: Mayor Leffingwell, Mayor Pro Tem Cole and Council Members Riley and Spelman. Those voting nay were: Council Members Martinez, Morrison, and Tovo. The amendment should read, Part 2, (B) "Paid parking time limits for spaces located within the area bounded by Lady Bird Lake, IH-35, 10th Street, and Lamar Boulevard are in effect from 8:00 a.m. to 6:00 p.m., Monday through Friday; 6:01 p.m. to 11:59 p.m. on Thursday and Friday; and 11:01 a.m. to 11:59 p.m. on Saturday, unless otherwise posted."

Ordinance No. 20110818-074 was approved with the previous amendment on Council Member Martinez' motion, Council Member Morrison's second on a 6-1 vote. Council Member Morrison voted nay. Direction was given to staff to evaluate unintended consequences such as night life traffic moving northward to the free parking on 9<sup>th</sup>, 10<sup>th</sup> and 11<sup>th</sup> streets creating less available parking for Wednesday night services and to include in the study how the extended metered parking hours will impact people.

76. Approve a resolution directing the City Manager to delay implementation of Ordinance 20110303-025 as it pertains to extended parking meter hours in the area bounded by Lady Bird Lake, IH-35, 10th Street and Lamar Boulevard until January 1, 2012, and to conduct a public process to allow stakeholders the opportunity to provide input and express concerns regarding extended parking meter hours in this area. (Notes: SPONSOR: Council Member Laura Morrison CO 1: Council Member Kathie Tovo )

**This item was withdrawn without objection.**

16. Authorize negotiation and execution of contract amendments to TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS, HOMELESS HOUSING AND SERVICES PROGRAM (HHSP) grant contracts to provide funding for rent and utility assistance to homeless and near-homeless individuals and families through May 31, 2012 with the following parties: FOUNDATION COMMUNITIES, INC. in an amount not to exceed \$50,000 for a total contract amount not to exceed \$499,689 and TRAVIS COUNTY DOMESTIC VIOLENCE AND SEXUAL ASSAULT SURVIVAL CENTER (dba SAFEPLACE) in an amount not to exceed \$50,000 for a total contract amount not to exceed \$150,000.

**The motion authorizing the negotiation and execution of contract amendments to Texas Department of Housing and Community Affairs, Homeless Housing and Services Program with Foundation Communities, Inc. and Travis County Domestic Violence and Sexual Assault Survival Center doing business as Safeplace was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

17. Authorize negotiation and execution of Amendment No. 10 to an Interlocal Agreement between the CITY OF AUSTIN, AUSTIN TRAVIS COUNTY INTEGRAL CARE, and TRAVIS COUNTY regarding funding for substance abuse treatment services and related behavioral healthcare services to increase Travis County's funding by \$28,891 for an annual amount not to exceed \$1,930,430 (\$958,990 City, \$971,440 County) from October 1, 2010 through September 30, 2011 with no renewals.

**The motion authorizing the negotiation and execution of amendment number ten to an interlocal agreement between the City of Austin, Austin Travis County Integral Care and Travis County was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0 vote.**

33. Approve an ordinance authorizing the acceptance of grant funds in the amount of \$30,725 from the Downtown Austin Alliance; and amending the Fiscal Year 2010-2011 Police Department Operating Budget Special Revenue Fund (Ordinance No. 20100913-002) to appropriate an additional \$30,725 for a total of \$570,725 in funding for the Downtown Ranger Program.

**Ordinance No. 20110818-033 was approved on Council Member Spelman's motion, Mayor Leffingwell's second on a 6-0 vote. Mayor Pro Tem Cole abstained.**

**Mayor Leffingwell recessed the Council Meeting at 5:32 p.m.**

LIVE MUSIC

Frank Smith

PROCLAMATIONS

Proclamation -- National Preparedness Month -- to be presented by Mayor Lee Leffingwell and to be accepted by Otis Latin

Proclamation -- The 75th Anniversary of Holy Cross Catholic Church -- to be presented by Mayor Pro Tem Sheryl Cole and to be accepted by TBA

Proclamation -- Community Renaissance Market's 1st Anniversary -- to be presented by Council Member Laura Morrison and to be accepted by Ruth Glendinning and Susan Buhrman

**Mayor Leffingwell called the Council meeting back to order at 6:37 p.m.**

DISCUSSIONITEMSCONTINUED

75. Approve an ordinance amending Title 4 (Business Regulation and Permit Requirements) of the City Code to add a new Chapter 4-12 related to the registration of credit access businesses; providing a penalty up to \$500 for each offense; and including a defense. (Notes: SPONSOR: Council Member William Spelman CO 1: Mayor Pro Tem Sheryl Cole CO 2: Council Member Laura Morrison )  
**Ordinance No. 20110818-075 was approved on Council Member Spelman's motion, Council Member Morrison's second on a 7-0 vote.**
79. Approve a resolution initiating code amendments to City Code Title 25 (Land Development Code) and directing the City Manager to process code amendments to regulate the location and use of buildings and land for alternative financial services businesses, a proposed new use to include check cashing, payday loan, and car title loan businesses. (Notes: SPONSOR: Council Member William Spelman CO 1: Council Member Chris Riley CO 2: Council Member Mike Martinez)  
**Resolution No. 20110818-079 was approved on Council Member Spelman's motion, Council Member Martinez' second on a 7-0 vote.**
24. Approve an ordinance vacating a 0.482 acre tract out of the S.P.R.R. Co. Survey, Abstract No. 750 and the W.M. Preece Survey, Abstract No. 2470, being a portion of that certain 0.543 acre tract conveyed to the City of Austin by Street and Utilities Deed, recorded in Document Number 2004091614. (Adjacent to 9716 FM 2222).  
**Ordinance No. 20110818-024 was approved on Mayor Pro Tem Cole's motion, Council Member Spelman's second on a 7-0.**
80. Approve a resolution directing the City Manager to allocate \$24,500.00 from remaining funds in the Holly Good Neighbor Program in the Fiscal Year 2010-2011 Austin Energy Operating Budget to fund various programs. (Notes: SPONSOR: Council Member Mike Martinez CO 1: Council Member Chris Riley CO 2: Mayor Lee Leffingwell )  
**Ordinance No. 20110818-080 was approved on Council Member Martinez' motion, Council Member Spelman's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**
96. C14-2011-0043 - 753 Montopolis - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 753 Montopolis Drive (Country Club East Watershed) from general commercial services-neighborhood plan (CS-NP) combining district zoning and commercial-liquor sales-neighborhood plan (CS-1-NP) combining district

zoning to commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Staff Recommendation: To grant commercial-liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Planning Commission Recommendation: To grant commercial liquor sales-neighborhood plan (CS-1-NP) combining district zoning and general commercial services-neighborhood plan (CS-NP) combining district zoning. Owner/Applicant: Babubhai Mohammad. Agent: Rafiq B. Mohammad. City Staff: Stephen Rye, 974-7604.

**The public hearing was conducted and the motion to close the public hearing and deny the request was approved on Mayor Pro Tem Cole's motion, Council Member Tovo's second on a 7-0 vote.**

**Mayor Leffingwell adjourned the meeting at 8:48 p.m. without objection.**

**The minutes for the regular meeting of August 18, 2011 were approved on this the 25th day of August 2011 on Council Member Martinez' motion, Council Member Riley's second on a 6-0 vote. Mayor Pro Tem Cole was off the dais.**